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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Sankona Graham,

7 Plaintiff,

8 v.

9 State of Nevada, et al.,

10 Defendants.

Case No. 2:24-cv-00790-ART-DJA

Order

11 Before the Court are eleven motions filed by pro se Plaintiff Sankona Graham. (ECF Nos.
12 95, 107, 108, 109, 112, 113, 116, 118, 121, 122, 124). Also before the Court is Defendants'
13 motion for instructions regarding ECF Nos. 107-111. (ECF No. 127). The Court addresses each
14 below.

15 **I. Plaintiff's motions.**

16 **A. *Ex parte sealed motions to file documents under seal (ECF Nos. 95, 122).***

17 Plaintiff moves on an *ex parte* basis to file certain documents under seal. But Plaintiff
18 does not state that these documents are exhibits to any motions or other documents. Instead, it
19 appears that Plaintiff is simply attempting to file certain evidence on the docket. However, the
20 Court is not a repository for Plaintiff's evidence and he need not file documentary evidence in
21 support of his claims unless it is necessary for the resolution of a motion. *See Garland v. Jones*,
22 No. 2:22-cv-01494-EFB-PC, 2023 WL 414516, at *1 (E.D. Cal. Jan. 25, 2023). The Court thus
23 denies Plaintiff's motions and will request the Clerk's Office to strike his filings. *See Ready*
24 *Transp. Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (concluding that district courts
25 have the inherent authority to strike documents improperly submitted).
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B. Motion requesting mandatory relief on merits due to perjury requesting sanctions (ECF Nos. 107, 108).

In his motion—which is filed twice as ECF Nos. 107 (a motion requesting mandatory relief) and 108 (a motion for sanctions)—Plaintiff reiterates the merits of his case. The Court has already warned Plaintiff that it will not consider motions needlessly repeating the legal and factual points of his underlying claims. The Court thus denies his motions.

C. Motion providing furnished USM-285 forms requesting clerk to forward (ECF No. 109).

Plaintiff moves to ensure that his USM-285 forms are delivered to the United States Marshals Service (“USMS”). The Court’s prior order required Plaintiff to send his USM-285 forms to the USMS, not to the Court. (ECF No. 99). In any event, it appears that the USMS has received Plaintiff’s USM-285 forms and has attempted service. (ECF Nos. 125, 126, 129, 130, 131, 132, 134, 137). The Court denies Plaintiff’s motion as moot.

D. Motion for appointment of counsel (ECF No. 112).

Plaintiff’s motion for appointment of counsel is on a form intended for the Ninth Circuit Court of Appeals, not this Court. (ECF No. 112). In any event, the Court denies Plaintiff’s motion because he has not demonstrated exceptional circumstances. A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. § 1983 civil rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Under 28 U.S.C. § 1915(e)(1), “[t]he court may request an attorney to represent any person unable to afford counsel.” However, the court will appoint counsel for indigent civil litigants only in “exceptional circumstances.” *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (§ 1983 action). “When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.’” *Id.* “Neither of these considerations is dispositive and instead must be viewed together.” *Id.*

The Court denies Plaintiff’s motion because it does not find that he has demonstrated exceptional circumstances. Plaintiff has filed what appears to be a stock motion for appointment

1 of counsel which does not explain why his particular circumstances are extraordinary such that an
2 appointment of counsel is warranted. Despite his unsuccessful, repetitive motions, Plaintiff has
3 also thus far demonstrated an ability to articulate his claims. And, without prejudging the
4 outcome, it is unclear whether Plaintiff will succeed on the merits of his claims. The Court thus
5 denies Plaintiff's motion for appointment of counsel.

6 ***E. Motion IM authorization (ECF No. 113).***

7 Plaintiff moves to appeal *in forma pauperis*. It appears that Plaintiff is attempting to
8 proceed without paying the filing fee in a Ninth Circuit appeal. If that is the case, Plaintiff must
9 file his form in his Ninth Circuit appeal case, not this, district court one. The Court thus denies
10 Plaintiff's motion.

11 ***F. Motion providing excluded pages to ECF 110 and 111 (ECF No. 116).***

12 Plaintiff moves the Court to "view (ECF 110 & 111) which should have been one
13 pleading." Plaintiff claims that the High Desert State Prison failed to include two pages on those
14 filings and thus attaches them to his motion. The Court construes Plaintiff's motion as an errata
15 to his motion for temporary restraining order (ECF No. 110) and motion for preliminary
16 injunction (ECF No. 111). The Court thus grants his motion and will direct the Clerk's Office to
17 re-title the motion as an errata to those motions.

18 ***G. Motion for intervention pursuant to FRCP 24 (ECF No. 118).***

19 Plaintiff moves the Court to allow the Federal Bureau of Investigation, Department of
20 Justice, "Return Strong," "U.S.," "etc." to intervene in this case. Plaintiff asserts that these
21 parties have an interest in the case "due to the magnitude of claims which they would want to
22 prevent a 'stare decisis effect'..." Plaintiff essentially asks the Court to add these entities to the
23 case so that they might investigate and prosecute it for him. Federal Rule of Civil Procedure 24
24 permits parties move to intervene in cases to which they are not already a party. It does not, as
25 Plaintiff suggests, allow a plaintiff to "intervene" another party. Plaintiff has not provided a
26 legitimate basis for intervention under Federal Rule of Civil Procedure 24, so the Court denies his
27 motion.
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1 ***H. Motion providing proof of mailing (ECF No. 121).***

2 Plaintiff's document appears to be a declaration that he deposited a separate motion in the
3 High Desert State Prison's internal legal mail system. Plaintiff does not move for any actionable
4 relief. The Court thus denies his motion.

5 ***I. Motion to stay scheduling order deadlines (ECF No. 124).***

6 Plaintiff moves to stay discovery pending a ruling on various motions, a ruling from the
7 Ninth Circuit, the prison law library providing certain case law, and defendants appearing in the
8 case. The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of
9 discovery, but the Court may stay discovery under Federal Rule of Civil Procedure 26(c), the
10 standard for which is good cause. *See Schrader v. Wynn*, No. 2:19-cv-02159-JCM-BNW, 2021
11 WL 4810324, at *2 (D. Nev. Oct 14, 2021). Plaintiff has not provided any analysis about why he
12 has shown good cause to stay discovery. The Court thus denies his motion.

13 **II. Defendants' motion for instruction (ECF No. 127).**

14 Defendants move the Court to "clarify which of the motions the Court would like
15 Defendants to substantively respond to out of the over 20 motions Graham has filed since this
16 court's last order." Defendants have already responded to Plaintiff's motion filed at ECF No. 90.
17 (ECF No. 105). And the Court has addressed ECF Nos. 95, 107, 108, 109, 112, 113, 116, 118,
18 121, 122, and 124 in this order. Finally, the Honorable District Judge Anne R. Traum has
19 requested a response from Defendants to ECF Nos. 110 and 111. (ECF No. 128). There are no
20 other pending motions and so, the Court denies Defendants' motion as moot.

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22 **IT IS THEREFORE ORDERED** that Plaintiff's motions (ECF Nos. 95, 107, 108, 109,
23 112, 113, 118, 121, 122, and 124) are **denied**.

24 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to **strike**
25 Plaintiff's filings at ECF Nos. 95 and 123.

26 **IT IS FURTHER ORDERED** that Plaintiff's motion providing excluded pages (ECF
27 No. 116) is **granted**. The Clerk of Court is kindly directed to re-title this motion as an Errata to
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1 Plaintiff's Motion for Temporary Restraining Order (ECF No. 110) and Motion for Preliminary
2 Injunction (ECF No. 111).

3 **IT IS FURTHER ORDERED** that Defendants' motion for instruction (ECF No. 127) is
4 **denied as moot.**

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6 DATED: November 27, 2024



7 DANIEL J. ALBREGTS
8 UNITED STATES MAGISTRATE JUDGE
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